

6/7/01
#2/election



684.2948

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MITSUYA SATO) : Examiner: D. Chacko Davis
Application No.: 09/472,993) : Group Art Unit: 1756
Filed: December 28, 1999) :
For: EXPOSURE APPARATUS AND) June 4, 2001
EXPOSURE METHOD :

The Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant respectfully traverses the restriction requirement set forth in the Office Action dated May 2, 2001.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims. Group I, claims 1, 2, 5 through 11 and 15, is directed to an exposure apparatus, classified in class 355, subclass 68. Group II, claims 3, 4, 12 through 14, 16 and 17, is directed to an exposure method, classified in class 430, subclass 328.

The Examiner contends that the inventions of Groups I and II are patentably distinct, apparently because they are related as process and apparatus for its practice, and have acquired a separate status in the art as shown by their different classification, such that the fields of search are not coextensive requiring separate examination. These contentions are respectfully traversed.

Applicant notes that the inventions of Groups I and II are so closely related in the field of exposure processing of substrates that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent

claims covering Applicant's invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.


In the interest of economy, for the Office, for the public-at-large and for Applicant, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1 2, 5 through 11 and 15.

Favorable consideration and an early passage to issue are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,


Attorney for Applicant
Registration No. 33,326

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1756

In re Application of:

Docket No.: 684.2948

MITSUYA SATO

Application No.: 09/472,993

Examiner: D. Chacko-Davis

Filed: December 28, 1999

Group Art Unit: 1756

For: EXPOSURE APPARATUS AND
EXPOSURE METHODDate: June 4, 2001
(Monday)The Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Response To Restriction Requirement the
above-identified application.RECEIVED
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TC 1700 MAIL ROOM☒ No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21	MINUS	21	= 0	x \$ 9 \$18	\$0.00
INDEP. CLAIMS	5	MINUS	5	0	x \$40 \$80	\$0.00
Fee for Multiple Dependent claims \$135/\$270						--
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

- ☐ Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge \$_____ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- ☐ A check in the amount of \$_____ to cover the Extension fee for response within ____ months is enclosed.
- ☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.



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